

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

MARIE LYNETTE AUSTIN	§	PLAINTIFF
	§	
v.	§	CAUSE NO. 1:08CV260 LG-JMR
	§	
JOHN E. POTTER, Postmaster General, United States Postal Service	§	DEFENDANT
	§	

ORDER DENYING PLAINTIFF’S MOTION FOR RECONSIDERATION

THIS CAUSE COMES BEFORE THE COURT on the Plaintiff’s Motion For Reconsideration [12]. The Defendant filed a response in opposition. After due consideration of Plaintiff’s Motion and the relevant law, it is the Court’s opinion that the Motion is not well-taken and should be denied.

The Plaintiff filed this Motion for Reconsideration within ten days of the Court’s entry of its Memorandum Opinion and Order Granting Motion for Summary Judgment. A motion for reconsideration filed within ten days after the entry of an order, although not explicitly provided for under the Rules, is properly considered under FED. R. CIV. P. 59(e). *Robin v. United States*, 233 Fed. Appx. 350, 352 (5th Cir. 2007). A Rule 59 (e) motion “calls into question the correctness of a judgment.” *In re Transtexas Gas Corp.*, 303 F.3d 571, 581 (5th Cir. 2002). The movant is required to “establish either a manifest error of law or fact or must present newly discovered evidence.” *Robin*, 233 Fed. Appx. at 352. A Rule 59(e) motion should not be used to relitigate prior matters that should have been urged earlier or that simply have been resolved to the movant’s dissatisfaction. *See Mongrue v. Monsanto Co.*, 249 F.3d 422, 427-28 (5th Cir. 2001); *Simon v. United States*, 891 F.2d 1154, 1159 (5th Cir. 1990).

In reviewing Plaintiff’s Motion, the Court finds arguments which were already made or

which should have been made by the Plaintiff in her opposition to the Defendant's summary judgment motion. The Motion to Reconsider is therefore without merit and will be denied.

IT IS THEREFORE ORDERED AND ADJUDGED that the Plaintiff's Motion for Reconsideration [12] is **DENIED**.

SO ORDERED AND ADJUDGED this the 9th day of March, 2009.

s/ *Louis Guirola, Jr.*
LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE